

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, et al. ex rel. URI  
BASSAN,

Plaintiffs,  
v.

OMNICARE, INC.,

Defendant.

UNITED STATES OF AMERICA,

Plaintiff,  
v.

OMNICARE, INC. and CVS HEALTH CORP.,

Defendants.

USDC SDNY  
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No. 1:15-cv-04179

McMahon, J.:

The court attempted to hold a scheduling conference by telephone this morning at 11:30. As required by the First Amendment, a public phone line was made available to anyone who wanted to attend the conference, from the press or otherwise. The court instructed all persons who were on the telephone other than lead counsel for the Government and Omnicare to mute their telephones.

Shortly after the conference began, some person or persons who were obviously third parties – members of the press (they were discussing the stuff of headlines), members of the public, representatives of certain states who were not participating in the conference – began talking,

loudly, and not on mute. They were discussing various statements that the court had made in the course of telling the parties that they would have a very limited time for discovery, given the amount of time that had passed since this case was filed (2015) and the Government took over prosecution of same (2019). It was not possible for the court to speak directly to counsel, or for counsel to be heard over the babbling in the background. Repeated efforts to silence the background speakers (who may or may not have been aware that we could hear every word they were saying) or to get them to mute their telephones were unsuccessful. Unable to gain control of the conference, I cut it short.

The conference will continue later this week on a day and time acceptable to both parties that fits with my schedule. It will be an IN-PERSON hearing in my courtroom, 24A. The press and public, like counsel, are welcome to attend in person. The new time and date will be posted later today, after I hear from the Government and Defendants about availability.

Dated: September 6, 2022



U.S.D.J.

BY ECF TO ALL COUNSEL